

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5839 of 1996

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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SATISH THAKER

Versus

STATE OF GUJARAT

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Appearance:

MR AKIL KURESHI for Petitioner

MR DA BAMBHANIA for Respondent No. 1 & 2

MR TANNA ASSOCIATES FOR Respondent No. 3.

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CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 30/08/96

ORAL JUDGEMENT

Heard learned advocates for the parties. Rule.  
Mr. Mehta, learned advocate appearing for M/s., Tanna Associates waives service of rule on behalf of respondent No.3. Mr. Bambhania, learned advocate waives service of rule for respondents No.1 and 2. On the facts and in the circumstances of the case, the matter is taken up for final hearing to day.

2. Pursuant to an advertisement, the petitioner had applied for the post of Assistant Commissioner (Drugs Control). The petitioner was selected by the Gujarat Public Service Commission and was placed on wait list at sr.no.1. The petitioner, by filing this petition, has complained that though he was placed at serial no.1 on the wait list, respondent No.3 who was at serial no.2 on the said wait list has been issued appointment order on 2nd August, 1996 ignoring prior claim of the petitioner. Upon inquiry, the petitioner had learnt that the respondents had received some letter purported to have been written by the petitioner in which the petitioner had expressed his unwillingness to be appointed as Assistant Commissioner [Drugs Control] and in view of the said letter, the petitioner was not offered appointment as was done in case of respondent No.3.

3. In response to the notice issued by this Court, the respondents have appeared. Learned advocate Mr. Bambhania appearing for the respondent State has submitted that upon investigation, it has been found that the said letter was not endorsed by the petitioner and the same was sham and bogus. In view of the said fact, the Government has reconsidered the case of the petitioner and shall offer him appointment as Assistant Commissioner [Drugs Control] subject to the compliance with requisite formalities. Mr. Bambhania has further submitted that in view of the stay against appointment to the post of Assistant Commissioner (Drugs Control), the petitioner cannot be offered appointment till such stay is operative.

4. In above view of the matter, this petition is allowed. Respondent No.1 is directed to offer petitioner an appointment to the post of Assistant Commissioner [Drugs Control] subject to completion of necessary formalities. This order shall not become operative till the interim injunction granted by the Division Bench of this Court in Letters Patent Appeal No. 842 of 1996 and Civil Application No. 4187 of 1996 is operative. This petition is allowed to the aforesaid extent. Rule is made absolute accordingly. The parties shall bear their own costs.

30.8.1996.

[Ms. R.M.Doshit,J.]